

EXHIBIT 10

CONTAINS HIGHLY CONFIDENTIAL INFORMATION – SEE COVER PAGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ADAPTIX, INC.,
Plaintiff,
v.
APPLE INC., *et al.*,
Defendants.

Case No. 5:13-cv-01776-PSG

**REBUTTAL EXPERT REPORT OF WAYNE E. STARK, PH.D., REGARDING NON-
INFRINGEMENT OF U.S. PATENT NOS. 6,947,748 AND 7,454,212**

CONTAINS INFORMATION DESIGNATED:

**CONFIDENTIAL—OUTSIDE COUNSEL ONLY,
RESTRICTED—CONFIDENTIAL SOURCE CODE,
QUALCOMM – OUTSIDE COUNSELS’ EYES ONLY, and
QUALCOMM – OUTSIDE COUNSELS’ EYES ONLY – CONFIDENTIAL
SOURCE CODE**

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

269. Dr. Caloyannides asserts that the Accused Apple Devices operating on Verizon's LTE network "are operable to generate" Mode 2-x reports "if and when so requested/configured by base stations in the network" (Caloyannides Report at 45), but he nowhere points to any evidence that the base stations in Verizon's LTE network could ever support Mode 2-x. As stated above,

[REDACTED]

- *Deposition Testimony* - 5/2/14 Bao Dep. at 78-79, 150-151, 164-165, 182-184, 193-199; 5/22/14 Youtz Dep. at 28-31; 6/2/14 Dominique Dep. at 108, 141-147, 163; 4/4/14 Skarby Dep. at 125-127; 5/5/14 Damji Dep. at 58-62; 5/7/14 Stewart Dep. at 38-39; 3/20/14 Dodd Dep. at 150-154, 156-158; 3/21/14 Dodd Dep. at 476-480.

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- *Verizon Documents* – VZW_0732715 at Row 1183; VZW_0732716 at Row 14596; 7/18/13 Derek H. Bao Declaration (6:12-cv-120); 7/24/13 Derek H. Bao Declaration (337-TA-871); 4/24/14 Verizon Responses to Common Interrogatory Nos. 11-13 (EDTX-122).
- *ALU Documents* – VZW_0732717 at VZW_0733392-393, 402-403; VZW_0556627 at VZW_0557025-026, 033-034; ALAD-0016594 at ALAD-0016973-975, 982-983; ALAD-00001106 at ALAD-00001462-463, 471-473; ALAD-00047687 at ALAD-00047733, 757-58; ALAD-00130282 at ALAD-00130312, 334-335; ALAD-00134579 at ALAD-00134609, 782, 791, 794-795; ALAD-00135354 at ALAD-00135595; ALAD-00140910 at ALAD-00140939-940.
- *Ericsson Documents* – ERICSSON00807 at 811; ERICSSON01030 at 034; ERICSSON00969 at 973; ERICSSON01074 at 078; ERICSSON01123 at 127; ERICSSON00625 at 629-630; ERICSSON01131 at 135-136; ERIC-SUBP-000000027 at 031-032; ERICSSON01246 at 250-251; ERIC-SUBP-000000066 at 070-071; ERICSSON01343 at 347-348; ERIC-SUBP-00000122 at 126-127; ERICSSON00602 at 607; ERICSSON00180 at 186; ERICSSON01139 at 181; ERICSSON01186 at 228; ERICSSON01254 at 296; ERICSSON01351 at 393; ERICSSON01394 at 445; ERICSSON00226 at 277.
- *Adaptix Documents* – ADAP 00269328;²⁰ ADAP 00276343; ADAP 00310687; ADAP 08276871; ADAP 08277356; ADAP 08640701; ADAP 08673358; ADAP 08820939; ADAP 08953270; ADAP 08953328; 8/4/14 Adaptix Responses to Verizon Interrogatory Nos. 4-6 (EDTX-20, -120); 4/9/14 Adaptix Response to Verizon Interrogatory No. 7 (NDCA-1776, -1844).

■ [REDACTED]

■ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

²⁰ See also VZW_0858149 – VZW-0858154 (Ericsson RBS 6000 base stations deployed by Rogers in Canada).

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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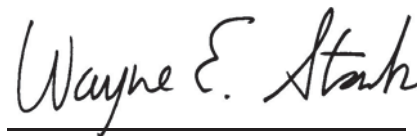
[REDACTED]

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VI. CONCLUSION

530. For the reasons discussed above, neither Apple nor Verizon have infringed any asserted claim of the '212 or '748 patents.

Dated: August 27, 2014



Wayne E. Stark, Ph.D.